

for airplanes to be operated by operators specified in this SFAR, and producers of parts to be used in modifications of such airplanes.

2. *Regulatory Relief.* Contrary provisions of this part 21, and §§121.313(h), 121.153(a)(2), 121.153(c), 121.379(b), 121.583(b)(1) and (2) and 14 CFR 129.13 notwithstanding:

(a) An operator may operate airplanes modified to improve the flightcrew compartment door installations to restrict the unauthorized entry of persons into the flightcrew compartment without regard to the applicable airworthiness requirements and may modify those airplanes for that purpose, using technical data not previously approved by the Administrator, subject to the following conditions:

(i) Not later than February 15, 2002, submit to the Director, Aircraft Certification Service, a detailed description of the changes to the airplane that have been accomplished before that date to enhance the intrusion resistance of the flightcrew compartment including identification of what major alterations have been done without previously approved data.

(ii) If, upon reviewing the data submitted in paragraph 2(a)(i) of this SFAR, the Administrator determines that a door modification presents an unacceptable safety risk, the FAA may issue an order requiring changes to such modifications.

(b) An applicant for an airworthiness certificate may obtain such a certificate for modified airplanes to be operated by operators described in this SFAR.

(c) A holder of a production certificate may submit for airworthiness certification or approval, modified airplanes to be operated by operators described in this SFAR.

(d) A person may produce parts for installation on airplanes in connection with modifications described in this SFAR, without FAA parts manufacturer approval (PMA).

3. *Report of Modifications.* Not later than April 22, 2002, all operators who are required to install flightdeck door modifications in accordance with 14 CFR 121.313(j) must submit a report to the Director, Aircraft Certification Service. The report must describe the modifications to be made and provide a schedule for the changes necessary to restore compliance with all applicable airworthiness requirements and to meet the requirements of 14 CFR 121.313(j). The schedule may not extend beyond the termination date of this SFAR.

4. *Return to Service Documentation.* Where operators have modified airplanes as authorized in this SFAR, the affected airplane must be returned to service with a note that it was done under the provisions of this SFAR.

5. *Provision for Flightdeck Door Compartment Key.* Contrary to provisions of §121.313(g), the following provision applies: A key for each door that separates a passenger compart-

ment from an emergency exit must be identified to passengers in the briefing required by §121.571(a)(1)(ii). The key required for access to the emergency exit must be readily available for each crewmember. No key to the flightcrew compartment shall be available to any crewmember during flight, except for flight crewmembers, unless an internal flightdeck locking device such as a deadbolt or bar is installed, operative, and in use.

6. *Door Modification Requirement.* After March 1, 2002, for each airplane required under §121.313(f) to have a door between the passenger and pilot compartments, and for transport category all-cargo airplanes that have a door installed between the pilot compartment and any other occupied compartment on or after January 15, 2002, such door must be equipped with an internal locking device installed, operative, and in use. Such internal locking device has to be designed so that it can only be unlocked from inside the flightdeck.

7. *Termination.* For all-cargo transport category airplanes, this SFAR terminates on October 1, 2003. For passenger airplanes, this SFAR expires on April 9, 2003, except for airplanes meeting the criteria specified in paragraphs 7.a, b, and c, below. For airplanes meeting these criteria, this SFAR expires on July 31, 2003.

a. Before midnight April 9, 2003, the operator must have installed a strengthened flightdeck door meeting the requirement of paragraph 7.b;

b. Before midnight April 9, 2003, the FAA must have found that the door complies with 14 CFR 25.795(a)(1) and (2) in effect on January 15, 2002; and

c. Before March 10, 2003, a formal application for certification approval of the door must have been submitted to the FAA.

[Doc. FAA-2001-10770, 68 FR 17516, Apr. 9, 2003]

SPECIAL FEDERAL AVIATION REGULATION No. 93

EDITORIAL NOTE: For the text of SFAR No. 93, see part 61 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION No. 97

EDITORIAL NOTE: For the text of SFAR No. 97, see part 91 of this chapter.

SPECIAL FEDERAL AVIATION REGULATION 106—RULES FOR USE OF PORTABLE OXYGEN CONCENTRATOR SYSTEMS ON BOARD AIRCRAFT

Section 1. *Applicability*—This rule prescribes special operating rules for the use of

portable oxygen concentrator units on board civil aircraft. This rule applies to both the aircraft operator and the passenger using the portable oxygen concentrator on board the aircraft.

Section 2. Definitions—For the purposes of this SFAR the following definitions apply: **Portable Oxygen Concentrator**: means the *AirSep FreeStyle*, *AirSep LifeStyle*, *Delphi RS-00400*, *DeVilbiss Healthcare iGo*, *Inogen One*, *Inogen One G2*, *International Biophysics LifeChoice*, *Invacare XPO2*, *Invacare Solo2*, *Oxlife Independence Oxygen Concentrator*, *Respironics EverGo*, and *SeQual Eclipse Portable Oxygen Concentrator* medical device units as long as those medical device units: (1) Do not contain hazardous materials as determined by the Pipeline and Hazardous Materials Safety Administration; (2) are also regulated by the Food and Drug Administration; and (3) assist a user of medical oxygen under a doctor's care. These units perform by separating oxygen from nitrogen and other gases contained in ambient air and dispensing it in concentrated form to the user.

Section 3. Operating Requirements—

(a) No person may use and no aircraft operator may allow the use of any portable oxygen concentrator device, except the *AirSep FreeStyle*, *AirSep LifeStyle*, *Delphi RS-00400*, *DeVilbiss Healthcare iGo*, *Inogen One*, *Inogen One G2*, *International Biophysics LifeChoice*, *Invacare XPO2*, *Invacare Solo2*, *Oxlife Independence Oxygen Concentrator*, *Respironics EverGo*, and *SeQual Eclipse Portable Oxygen Concentrator* units. These units may be carried on and used by a passenger on board an aircraft provided the aircraft operator ensures that the following conditions are satisfied:

(1) The device does not cause interference with the electrical, navigation or communication equipment on the aircraft on which the device is to be used;

(2) No smoking or open flame is permitted within 10 feet of any seat row where a person is using a portable oxygen concentrator.

(3) During movement on the surface, take-off, and landing, the unit must:

(i) Either be stowed under the seat in front of the user, or in another approved stowage location, so that it does not block the aisle way or the entryway into the row; or

(ii) If it is to be operated by the user, be used only at a seat location that does not restrict any passenger's access to, or use of, any required emergency or regular exit, or the aisle(s) in the passenger compartment;

(4) No person using a portable oxygen concentrator is permitted to sit in an exit row;

(5) The pilot in command must be apprised whenever a passenger brings and intends to use a portable oxygen concentrator on board the aircraft and the pilot in command must be informed about the contents of the physician's written statement (as required in Section 3(b)(3) of this SFAR), including the mag-

nitude and nature of the passenger's oxygen needs.

(6) Whenever the pilot in command turns off the "Fasten Seat Belt" sign, or otherwise signifies that permission is granted to move about the passenger cabin, passengers operating their portable oxygen concentrator may continue to operate it while moving about the cabin.

(b) The user of the portable oxygen concentrator must comply with the following conditions to use the device on board the aircraft:

(1) The user must be capable of hearing the unit's alarms, seeing the alarm light indicators, and have the cognitive ability to take the appropriate action in response to the various caution and warning alarms and alarm light indicators, or be travelling with someone who is capable of performing those functions;

(2) The user must ensure that the portable oxygen concentrator is free of oil, grease or other petroleum products and is in good condition free from damage or other signs of excessive wear or abuse;

(3) The user must inform the aircraft operator that he or she intends to use a portable oxygen concentrator on board the aircraft and must allow the crew of the aircraft to review the contents of the physician's statement. The user must have a written statement, to be kept in that person's possession, signed by a licensed physician that:

(i) States whether the user of the device has the physical and cognitive ability to see, hear, and understand the device's aural and visual cautions and warnings and is able, without assistance, to take the appropriate action in response to those cautions and warnings;

(ii) States whether or not oxygen use is medically necessary for all or a portion of the duration of the trip; and

(iii) Specifies the maximum oxygen flow rate corresponding to the pressure in the cabin of the aircraft under normal operating conditions.

(4) Only lotions or salves that are oxygen approved may be used by persons using the portable oxygen concentrator device;

(5) The user, whose physician statement specifies the duration of oxygen use, must obtain from the aircraft operator, or by other means, the duration of the planned flight. The user must carry on the flight a sufficient number of batteries to power the device for the duration of the oxygen use specified in the user's physician statement, including a conservative estimate of any unanticipated delays; and

(6) The user must ensure that all portable oxygen concentrator batteries carried on-board the aircraft in carry-on baggage are protected from short circuit and are packaged in a manner that protects them from physical damage. Batteries protected from

§ 121.1

14 CFR Ch. I (1–1–11 Edition)

short circuit include: (1) Those designed with recessed battery terminals; or (2) those packaged so that the battery terminals do not contact metal objects (including the battery terminals of other batteries). When a battery-powered oxygen concentrator is carried onboard aircraft as carry-on baggage and is not intended to be used during the flight, the battery must be removed and packaged separately unless the concentrator contains at least two effective protective features to prevent accidental operation during transport.

Section 4. *Expiration Date*—This SFAR No. 106 will remain in effect until further notice.

[Doc. FAA–2004–18596, 70 FR 40164, July 12, 2005, as amended at 71 FR 53956, Sept. 12, 2006; 74 FR 2354, Jan. 15, 2009; 75 FR 742, Jan. 6, 2010; 75 FR 39632, July 12, 2010]

Subpart A—General

§ 121.1 Applicability.

This part prescribes rules governing—

(a) The domestic, flag, and supplemental operations of each person who holds or is required to hold an Air Carrier Certificate or Operating Certificate under part 119 of this chapter.

(b) Each person employed or used by a certificate holder conducting operations under this part including maintenance, preventive maintenance, and alteration of aircraft.

(c) Each person who applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under SFAR No. 58 of 14 CFR part 121, and each person employed or used by an air carrier or commercial operator under this part to perform training, qualification, or evaluation functions under an Advanced Qualification Program under SFAR No. 58 of 14 CFR part 121.

(d) Nonstop Commercial Air Tours conducted for compensation or hire in accordance with § 119.1(e)(2) of this chapter must comply with drug and alcohol requirements in §§ 121.455, 121.457, 121.458 and 121.459, and with the provisions of part 136, subpart A of this chapter by September 11, 2007. An operator who does not hold an air carrier certificate or an operating certificate is permitted to use a person who is otherwise authorized to perform aircraft maintenance or preventive maintenance duties and who is not subject to

anti-drug and alcohol misuse prevention programs to perform—

(1) Aircraft maintenance or preventive maintenance on the operator's aircraft if the operator would otherwise be required to transport the aircraft more than 50 nautical miles further than the repair point closest to the operator's principal base of operations to obtain these services; or

(2) Emergency repairs on the operator's aircraft if the aircraft cannot be safely operated to a location where an employee subject to FAA-approved programs can perform the repairs.

(e) Each person who is on board an aircraft being operated under this part.

(f) Each person who is an applicant for an Air Carrier Certificate or an Operating Certificate under part 119 of this chapter, when conducting proving tests.

(g) This part also establishes requirements for operators to take actions to support the continued airworthiness of each airplane.

[Doc. No. 28154, 60 FR 65925, Dec. 20, 1995, as amended by Amdt. 121–328, 72 FR 6912, Feb. 13, 2007; Amdt. 121–336, 72 FR 63411, Nov. 8, 2007]

§ 121.2 Compliance schedule for operators that transition to part 121; certain new entrant operators.

(a) *Applicability.* This section applies to the following:

(1) Each certificate holder that was issued an air carrier or operating certificate and operations specifications under the requirements of part 135 of this chapter or under SFAR No. 38–2 of 14 CFR part 121 before January 19, 1996, and that conducts scheduled passenger-carrying operations with:

(i) Nontransport category turbo-propeller powered airplanes type certificated after December 31, 1964, that have a passenger seat configuration of 10–19 seats;

(ii) Transport category turbo-propeller powered airplanes that have a passenger seat configuration of 20–30 seats; or

(iii) Turbojet engine powered airplanes having a passenger seat configuration of 1–30 seats.

(2) Each person who, after January 19, 1996, applies for or obtains an initial air carrier or operating certificate and